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*Attorney for Frank Smith*

**UNITED STATES DISTRICT COURT**

## DISTRICT OF NEVADA

COMES NOW, the Defendant, FRANK SMITH, by and through his counsel of record, LUCAS J. GAFFNEY, ESQ., and hereby moves this Honorable Court to allow him to withdraw the Stipulation to Continue Sentencing filed on February 23, 2021 [ECF 159].

DATED: February 24, 2021.

Respectfully submitted,

/s/ Lucas Gaffney  
LUCAS J. GAFFNEY, ESQ.  
GAFFNEY LAW  
1050 Indigo Drive, Suite 120  
Las Vegas, Nevada, 89145

## **MEMORANDUM**

On February 23, 2021, at approximately 10:00 a.m., the parties filed a stipulation to continue the Defendant, Frank Smith's (Smith), sentencing hearing currently scheduled for March 3, 2021 [See ECF 159]. The stipulation requested a continuance of Mr. Smith's sentencing for three reasons: 1) The United States Marshall's Office was transporting Mr. Smith from Tennessee to Nevada, but the parties did not know if Mr. Smith would arrive with sufficient time to prepare for his sentencing hearing on March 3, 2021; 2) On February 22, 2021, the United States Probation Office issued a revised Presentence Investigation Report (PSR) and it was unclear whether Mr. Smith would have sufficient time to review the revised PSR prior to sentencing; and 3) it was unclear whether Mr. Smith would have sufficient time to address the pending petition to revoke his pretrial release prior to sentencing.

That same day, at approximately 3:30 p.m., counsel learned that Mr. Smith had just arrived in Nevada. It is counsel's understanding that the Magistrate Court will address the petition to revoke Mr. Smith's pretrial release today (February 24, 2021). Further, counsel has had an opportunity to discuss the revised PSR with Mr. Smith.

The parties' filed its stipulation out of an abundance of caution to ensure Mr. Smith had adequate time to prepare for his sentencing. Mr. Smith's arrival in Nevada obviates the need to continue his sentencing as he now has sufficient time to prepare.

Counsel for Mr. Smith has spoken to AUSA Christopher Lin who has no objection to withdrawing the Stipulation to Continue Sentencing Hearing [ECF 159].

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1 As such, Mr. Smith respectfully requests this Honorable Court grant the instant motion  
2 and allow the parties to withdraw the Stipulation to Continue Sentencing Hearing [ECF 159].  
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DATED: February 24, 2021.

5 Respectfully submitted,

6 /s/ Lucas J. Gaffney

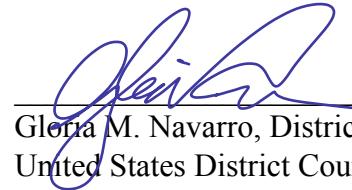
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/s/ Christopher Lin

CHRISTOPHER LIN  
11 Assistant United States Attorney  
12 501 Las Vegas Boulevard, South, Suite 1100  
13 Las Vegas, Nevada, 89101  
14 *Attorney for the United States of America*

15 **IT IS SO ORDERED.**

16 Dated this 25 day of February, 2021.

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21 Gloria M. Navarro, District Judge  
22 United States District Court  
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